IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No :27536 of 1998

Dated: 02.11.2007

Between:
The Divisional Forest Officer,
Soil Conservation Circle,
Visakhapatnam

.....
PETITIONER

AND

1.The Joint Collector-cum-Forest
Settlement Officer, Visakhapatnam
and 2 others …
RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.27536 of 1998

ORDER:

This writ petition is filed seeking quashing of the order dated 30.03.1998 in F.A.No.3 of 1993 on the file of the 2nd respondent-District Judge, Visakhapatnam, by restoring the award to the extent of A.R.No.4 of 1992 dated 16.07.1995.

3rd respondent – Kuchipudi Kalakshetra, represented by its treasurer V.Seetharamaiah, Siripuram, Visakhapatnam, and Visakha Education Society, represented by the Principal, Visakha Valley School, Visakhapatnam, filed claim petitions under Section 10 (1) of A.P. Forest Act for exclusion of lands covered by R.S.Nos.124 and 125 of Chinagadhila village from Seethakonda forest block, which were numbered as A.R.Nos.4 and 5 of 1992 on the file of the 1st respondent-Joint Collector-cum- Forest Settlement Officer, Visakhapatnam. After detailed enquiry, the 1st respondent-Joint Collector, Visakhapatnam, while allowing A.R.No.5 of 1992 by common order dated 16.07.1992 excluded the entire land covered by Sy.No.124 (Ac.24.22) of Chinagadila village from Seethakonda forest block. So far as the other matter i.e., A.R.No.4 of 1992 is concerned, the petitioner is advised to approach the Collector who is also Ex-officio Chairman of Visakha Education Society, Visakhapatnam to get the allotment of Ac.3.00 from out of the land in Sy.No.124 allotted to Visakha Education

Society, Visakhapatnam and accordingly rejected the claim for exclusion of Ac.3.00 of land in Sy.No.124 (part) of Chinagadila village from Seethakonda forest block. Aggrieved by the same, the writ petitioner-Divisional Forest Officer, Visakhapatnam preferred F.A.No.2 of 1993 and the 3rd respondent-Kuchipudi Kalakshetra preferred F.A.No.3 of 1993 on the file of the 2nd respondent-District Judge, Visakhapatnam. After considering the entire material available on record, the 2nd respondent-District Judge, by order dated 30.03.1998, while dismissing F.A.No.2 of 1993 on merits, however, dismissed F.A.No.3 of 1993, which was preferred by the 3rd respondent-Kuchipudi Kalakshetra, as unnecessary. The petitioner instead of preferring an appeal against the order passed in F.A.No.2 of 1993, preferred an appeal against the order in F.A.No.3 of 1993, which was dismissed as unnecessary. Since F.A. No.3 of 1993 was dismissed as unnecessary, the present writ petition, which is filed against the said order, is not maintainable.

The writ petition is accordingly dismissed. No costs.

_____

(GOPALA KRISHNA TAMADA, J)

02-11-2007
Gsn.